

Approving Ballot Proposition To Be Submitted To The Qualified Voters Of Ulster County Regarding A New Location For Ulster County Family Court

Referred to: The Laws and Rules, Governmental Services Committee (Chairman Roberts and Legislators Belfiglio, Donaldson, R. Parete and Rodriguez)

Legislators David B. Donaldson and John R. Parete offer the following:

WHEREAS, the Ulster County Family Court (hereinafter “Family Court”) is currently occupying leased space located at 16 Lucas Avenue, City of Kingston, County of Ulster, State of New York, and designated as SBL No.: 48.330-4-27; and

WHEREAS, pursuant to Resolution 287, adopted on June 21, 2016, the Ulster County Legislature selected a new site for Family Court, the Business Resource Center (hereinafter the “BRC”) located at 1 Development Court, Town of Ulster, County of Ulster, State of New York, and designated as SBL No.: 48.66-1-6; and

WHEREAS, pursuant to New York State’s County Law §216, no courthouse now or hereafter located in a city shall be removed beyond the limits of such city without the approval of a proposition therefor by the affirmative vote of a majority of the qualified electors of the County voting thereon at a general or special election; and

WHEREAS, the language for Ulster County ballot propositions has typically been approved by the Ulster County Legislature before being sent to the Board of Elections; and

WHEREAS, the Ulster County Legislature believes that ballot language should not be guiding, but factual and neutral in nature, allowing the voter to make a fair determination if the measure is in the best interest of the County and its residents; and

WHEREAS, pursuant to New York State’s County Law §216, the Clerk of the Ulster County Legislature has sufficient time to cause all required notices and certifications; now therefore, be it

RESOLVED, that the Ulster County Legislature hereby determines that the mandatory referendum question that shall be submitted to the voters at the November 8, 2016 general election is as follows:

Resolution No. 363 September 20, 2016

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“Shall the County of Ulster be permitted to relocate the current leased site of the Ulster County Family Court, located at 16 Lucas Avenue in the City of Kingston, County of Ulster, State of New York, to an existing county owned property, approved by the New York State Office of Court Administration, located at 1 Development Court, Ulster Avenue in the Town of Ulster, County of Ulster, State of New York?”; and, be it further

RESOLVED, that the Certificate filed on July 14, 2016 with the Ulster County Board of Elections is hereby rescinded; and be it further

RESOLVED, the Clerk of the Ulster County Legislature shall cause a new certificate to be filed with the Ulster County Board of Elections pursuant to New York State’s County Law §216 stating the proposition as approved above; and be it further

RESOLVED, that the Clerk of the Ulster County Legislature shall carry out any and all other conditions pursuant to New York State’s County Law §216,

and moves it adoption

DEFEATED BY THE FOLLOWING VOTE:

AYES: 9 NOES: 9
(Ayes: Bartels, Berky, Delaune, Donaldson, Greene, Heppner, J. Parete, R. Parete, and Rodriguez)
(Absent: Legislators Belfiglio, Briggs, Litts, Loughran, and Maloney)

Defeated in Committee: Laws and Rules, Governmental Services on August 15, 2016

Petition to Discharge successfully executed.

FINANCIAL IMPACT:
NONE

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County Family Court**

STATE OF NEW YORK

ss:

COUNTY OF ULSTER

I, the undersigned Clerk of the Legislature of the County of Ulster, hereby certify that the foregoing resolution is the original resolution DEFEATED by the Ulster County Legislature on the 20th Day of September in the year Two Thousand and Sixteen, and said resolution shall remain on file in the office of said clerk.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the County of Ulster this 21st Day of September in the year Two Thousand and Sixteen.

|s| Victoria A. Fabella
Victoria A. Fabella, Clerk
Ulster County Legislature